

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TARAHJAY M. ROSS,
Plaintiff

v.

CAPTAIN STEVE SMITH, et al.,
Defendants

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No. 1:21-cv-01994

(Judge Kane)

ORDER

AND NOW, on this 12th day of December 2022, upon consideration of Defendants John Scott,¹ Cameron Weaver, and Matthew Danner (“Moving Defendants”)’s pending motion to dismiss the complaint, filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Doc. No. 15), and in accordance with the Court’s accompanying Memorandum, **IT IS**

ORDERED THAT:

1. The Moving Defendants’ motion to dismiss (Doc. No. 15) is **DENIED WITHOUT PREJUDICE**;
2. Defendants’ shall file their motion for summary judgment on the limited issue of administrative exhaustion, brief in support, statement of material facts, and corresponding exhibits on or before **January 11, 2023**;
3. Plaintiff shall file a response to Defendants’ statement of material facts and a brief in opposition on or before **February 10, 2023**;
4. The Moving Defendants’ motion seeking a stay of discovery in this case pending the Court’s ruling on their motion to dismiss (Doc. No. 26) is **DENIED as moot**;
5. Plaintiff’s motions seeking discovery (Doc. Nos. 21, 23, 25) are **DEEMED WITHDRAWN**; and

¹ Defendants have explained that Plaintiff misnames Jake Scott as “John Scott” in the complaint. (Doc. No. 15 at 1.) There has been no formal request, however, by either Plaintiff or the Moving Defendants to formally change “John Scott” to Jake Scott on the Court’s docket.

6. Plaintiff's motions seeking the appointment of counsel (Doc. Nos. 17, 23, 25) are **DENIED WITHOUT PREJUDICE.**

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania